IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 29956 of 1997

Between:

Sri Balajee Khandasari Udyog, Rep by its Damodarlal,
Sukhji Nagar, Ellareddi (Mandal),
Nizamabad District.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise,
A.P., Hyderabad.
2 The Superintendent of Prohibition & Excise,
Ranga Reddy District.
3 The Superintendent of Prohibition & Excise,
Nizamabad, Nizamabad District.
4 The Superintendent of Prohibition & Excise,
Sangareddy, Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, direction or a writ particularly one in the nature of writ of Mandamus declaring that the interference with the business of the petitioner in purchasing, sale, transporting and storing of Molasses is arbitrary and illegal and without jurisdiction apart from being violating of Art. 19(1)(g) of Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.KOKA RAGHAVA RAO

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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W.P.NO. 29956 OF 1997

ORDER:

It is represented by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Prohibition and Excise that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
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> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

2. Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

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N.V. RAMANA, J

31ST MARCH, 2005

TVK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Thirty First day of March Two thousand Five.

To

1 The Commissioner of Prohibition & Excise,
A.P., Hyderabad.
2 The Superintendent of Prohibition & Excise,
Ranga Reddy District.
3 The Superintendent of Prohibition & Excise,
Nizamabad, Nizamabad District.
4 The Superintendent of Prohibition & Excise,
Sangareddy, Medak District.

5) 2 CD copies

6).. 2 CCs to the Government Pleader for Prohibition & Excise, High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**GSNM**}*